SUPREME COURT OF THE UNITED STATES.

No. 268.

RICHARD W. MEADE, ADMINISTRATOR, ETC., OF R. W. MEADE, DECEASED, APPELLANT,

vs.

THE UNITED STATES.

APPEAL FROM THE COURT OF CLAIMS.

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1 In the Court of Claims.

To the honorable the judges of the Court of Claims:

The petition of Richard W. Meade, administrator *de bonis non* of Richard W. Meade, deceased, showeth:

That the said Richard W. Meade died in the year 1828 at and domiciled in the city of Washington; that he left a will duly executed, which was afterwards admitted to probate, and recorded in Philadelphia, a true copy whereof is herewith filed, marked Exhibit A; that Margaret Meade, the mother of your petitioner, and widow of said Richard W. Meade, duly qualified as executrix of the said will, and died in the year 1852, leaving portions of the said estate of her said deceased husband unadministered, and among other things a certain claim against the United States, the subject of this petition; and upon the death of his said mother, your petitioner, who is the oldest son of said Richard W. and Margaret C. Meade, (the only child of said Richard W. and Margaret C., older than your petitioner, being a married daughter residing in the State of Mississippi,) applied to the Orphans' Court of the District of Columbia, and obtained letters of administration of the personal estate of said Richard W. Meade, then unadministered; that no person or persons is or are directly or indirectly interested in the said claim, except the distributees of said Richard W. Meade, your petitioner being one of them.

That at the death of the said Richard W. Meade the United States was justly indebted to him in the sum of three hundred and seventy-three thousand eight hundred and seventy-nine dollars and eighty-eight cents, ($373,879 88,) with interest from the 19th day of May, 1820.

That from the year 1824 to his death the said Richard W. Meade prosecuted his demand before the Congress of the United States, and his widow and executrix renewed and diligently continued to seek redress from the same body, and your petitioner has not failed since her death to press the claim; and although from time to time reports and bills have been introduced providing for its payment, no bill has ever passed both Houses of Congress at the same session; all of which will fully appear by the following schedule:

Proceedings in the Senate and House of Representatives, respectively for each year, on the claim of Richard W. Meade.

1824-'25. 2d Sess., 18th Cong.—Senate. Petition referred to the Committee on Foreign Relations. Committee discharged and referred to the Secretary of State, and reported on. [Rep. No. 40.]

2 1824. Ho. Reps., 2d Sess., 18th Cong. Petition referred to the Committee on Foreign Affairs. No report.

1825-'26. Senate, 1st Sess., 19th Cong. Referred to Select Committee. Reported against by Mr. Clayton, and laid on table. [Rep. No. 66.]

1825-'26. Ho. Reps., 1st Sess., 19th Cong. Referred to the Committee on Foreign Affairs, and bill No. 223 [Rep. No. 174] reported by Mr. Forsyth, providing for the settlement of sundry claims under

the Florida treaty, which bill passed the House of Representatives, and was rejected in the Senate.

1827–'28. Ho. Reps., 1st Sess., 20th Cong. Referred to the Committee on Foreign Affairs, and bill reported by Mr. Edward Everett, No. 51. [Rep. No. 58.] Rejected by the House.

1828–'29. Ho. Reps., 2d Sess., 20th Cong. Referred to the Committee on Foreign Affairs. No report.

1829–'30. Ho. Reps., 1st Sess., 21st Cong. Same.

1831–'32. Ho. Reps., 1st Sess., 22d Cong. Referred to the Committee on Foreign Affairs; and bill No. 366, reported by Mr. Archer, [Rep. No. 316,] committed to Committee of the Whole. Not acted on.

1833–'34. Ho. Reps., 1st Sess., 23d Cong. Referred to Committee on Foreign Affairs; bill No. 183, reported by Mr. Archer, [Rep. No. 167,] debated in Committee of the Whole. Nothing further done.

1835–'36. Senate, 1st Sess., 24th Cong. Referred to the Committee on Foreign Relations; bill No. 165, reported by Mr. Porter, [Rep. No. 236,] and passed the Senate.

1836–'37. Ho. Reps., 1st Sess., 24th Cong. Bill from Senate referred to Committee on Foreign Affairs. No report.

1836–'37. Senate, 2d Sess., 24th Cong. Referred to Committee on Foreign Relations. Bill No. 19, reported by Mr. Buchanan, (no report,) passed the Senate.

1835–'37. Ho. Reps., 2d Sess., 24th Cong. Bill passed by Senate laid on the table.

1837–'38. Ho. Reps., 2d Sess., 25th Cong. Bill from the Senate referred to Committee on Foreign Affairs, reported back without amendment, and committed to the Committee of the Whole, and not further acted on.

1838–'39. Ho. Reps., 3d Sess., 25th Cong. Referred to Committee on Foreign Affairs. No report.

1839–'40. Senate, 1st Sess., 26th Cong. Referred to Committee on Foreign Relations. No report. Leave granted to withdraw, &c.

1839–'40. Ho. Reps., 1st Sess., 26th Cong. Referred to Committee on Foreign Affairs. No report.

1841–'42. Ho. Reps., 2d Sess., 27th Cong. Referred to Committee on Foreign Affairs. Rep. No. 457. Bill 306 for settlement, committed to Committee Whole House. Not reached.

[Nothing done in Senate.]

1843–'44. Ho. Reps., 1st Sess., 28th Cong. Bill No. 340, from Committee on Foreign Affairs. Committed to Committee of the Whole House. Not reached.

[Nothing done in Senate.]

3 1845–'46. Ho. Reps., 1st Sess., 29th Cong. Bill No. 381. Reported from Committee on Foreign Affairs. Committed to Committee of the Whole House. Not reached.

[Nothing done in Senate.]

1847–'48. Ho. Reps., 1st Sess., 30th Cong. Bill No. 67, from Committee on Foreign Affairs, [Rep. No. 94.] Referred to Commit-

tee Whole House. Reported by that committee with amendments. Laid on the table 12th May, 1848.

[Nothing done in Senate.]

1849–'50. Ho. Reps., 1st Sess., 31st Cong. Referred to Committee on Foreign Affairs. No report.

[Nothing done in Senate.]

Senate, 1st Sess., 32d Cong. Referred to Committee on Foreign Relations.

1851–'52. Ho. Reps., 1st Sess., 32d Cong. Referred to Committee on Foreign Affairs. No report.

1853–'54. Senate, 1st Sess., 33d Cong. Petition of R. W. Meade, administrator, referred to Committee on Foreign Relations. Bill reported.

1853–'54. Ho. Reps., 1st Sess., 33d Cong. Petition of Richard W. Meade, administrator *de bonis non* of Richard W. Meade. Referred to Committee on Foreign Affairs, [Rep. No. 5.] Bill for relief, No. 58, referred to Committee of Whole House. Report adversely. Bill laid on the table 7th January, 1854.

For a clear understanding of the merits of the said claim your petitioner presents the following summary of facts, craving leave hereafter to add to them such further explanations as may be found necessary:

The said Richard W. Meade was a native-born citizen of the United States. Many years ago he went to Spain and became engaged extensively in commerce with that country. He was there during the invasion of the French under Napoleon, and continued to reside there until the year 1821. While so resident he entered into numerous contracts with the Spanish government after the year 1802, and before the year 1819, which involved very large amounts of money, and his means and resources contributed largely to the support of that government during its contests with the French. By this means Spain became largely his debtor. After the restoration of the King of Spain to the throne, Mr. Meade was seized and imprisoned by order of the government, confined for a long period of time, and finally released only by reason of the active interposition of the government of the United States in his behalf. Much of the history of that event will be found in the 4th vol. Am. State Papers, Foreign Relations, pp. 718, 19, 20.

Immediately after his release, on the 6th June, 1818, while at Cadiz, he addressed a letter to Mr. Adams, then Secretary of State (Ib., p. 720, 721,) informing him of a hint he had received to the effect that his just claims against the government of Spain, and such further sum as he might advance, might be satisfied by a cession of lands in the Floridas, and desiring to know whether that would interfere
4 with the designs of the United States. On the back of which, (p. 721,) Mr. Monroe, then President, endorsed a memorandum to the effect that no such cession would be recognized if made after a certain date, not specified. And Mr. Adams, on the 18th September, 1818, in reply, informed Mr. Meade that, in the then pending negotiation, provision should be made for the eventual adjustment and

satisfaction of the just claims of the citizens of the United States, and that every attention should be paid to those of Mr. Meade.

On the 17th January, 1819, Mrs. Meade, in behalf of her husband, transmitted to Mr. Adams a statement of his claims on Spain, "which will be followed by a specific statement of the amount due from said government, showing the amount due him on *libramientos* (treasury notes) then in his possession, on contracts, on damages, and on bills received from said government, as well as his reclamation on the score of the unjust imprisonment suffered by him for two years." (Ib., p. 721.) The statement itself will be found at p. 722, and shows an aggregate of between $300,000 and $400,000.

Previous to these communications, to wit, on the 27th July, 1818, Mr. Erving, then the minister of the United States at Madrid, at the instance of Mr. Meade, presented his memorial to the Spanish minister, praying compensation for his sufferings and losses occasioned by his imprisonment, and at the same time informed him that he had transmitted to the Secretary of State of the United States a copy of the memorial, &c.

On the 18th January, 1819, Mr. Erving presented to the Spanish minister two other memorials of Mr. Meade, praying the appointment of a commission to inquire into his claims.

On the 22d February, 1819, a treaty was signed at Washington between the Spanish minister and the United States, the final ratification of which was limited to the 22d August, of the same year. The fifth article of that treaty makes provision for the liquidation and satisfaction of the claims of citizens of the United States against Spain, and the 8th article provides that the Spanish government shall furnish such evidence of those claims on the demand of the United States as may be indicated to it.

That treaty was not ratified by Spain within the time limited in it.

On the 19th March, 1819, and before the fact of the signing of the treaty was known in Spain, Mr. Meade presented to the King of Spain a further memorial, praying the appointment of commissioners to adjust and settle his claims, his former petitions not having resulted in anything.

On the 7th May, 1819, the King of Spain appointed a commission, consisting of the minister of the council of the Indies, the fiscal of the council of finance, the senior minister of the comptroller general's department, and a clerk of the secretary's office of the finance department, and charged them with the settlement of all the claims and compensation that might result from Mr. Meade's documents.

On the 18th May, 1819, this commission notified Mr. Meade that they were prepared to receive his proofs and hear his explanations.

August 31. They required him to produce the original documents, for which they will give their receipt.

September 1. A portion was transmitted, and a receipt given.

9th September, others were handed in.

30th September. The commission made a full and elaborate report.

23d October. The report was returned to the commissioners to be re-examined by them as to certain points.

15th November. They made a further report.

17th May, 1820. A final report was made, in which they say, "having employed on our part all the means that prudence could suggest, and after holding several conferences with the concerned, we have compromised the matter, and agreed that the 8,500,000 rials for damages and personal injuries claimed by him according to his declaration, shall be reduced to 5,461,500 rials velons," &c.

And finally, on the 20th May, 1820, this report received the approval of the King in due form, by which the sum claimed by your petitioner, with the interest from that date, was adjudicated to the said Richard W. Meade.

These several papers show—

First. The origin and nature of the several claims of R. W. Meade.

Second. That they were communicated to his government.

Third. That when it was intimated to him that they might be satisfied with grants of land in the Floridas, he immediately communicated with his government, and was assured by it that in the then pending negotiations every attention which might be proper should be shown to his claims.

Fourth. That through the minister of his government at Madrid he applied for the appointment of a commission to liquidate his claims, and it was by that minister earnestly pressed on the Spanish government.

Fifth. That a commission, consisting of high officers of that government, was in fact appointed by the King of Spain for that purpose; that they required the surrender by Mr. Meade of his original proofs, and it was done; that they strove by every lawful means to reduce the amount of his several claims; that their first report was returned to them for revision, and finally they succeeded in effecting a compromise by which his first demands were reduced to the amount now claimed.

Sixth. That the treaty which had been signed had never been promulgated, and Mr. Meade thus kept in ignorance of its details, and being only informed that it would contain a provision "for the ultimate adjustment and satisfaction" of his claims, proceeding with the concurrence and aid of the minister of the United States to obtain a liquidation of his claims, was compelled to deliver up his original vouchers in order to procure that liquidation.

Your petitioner resumes the narrative of the events, and shows—

That on the 10th May, 1820, the same day on which the King adjudicated his claims, the minister of the United States at Madrid communicated that result to the Secretary of State of the United States. (State Papers, vol. 4, p. 724.) 19th June, 1820, the Spanish secretary of state communicated the result to Mr. Forsyth, the min-
6 ister of the United States, which was forwarded to the Secretary of State of the United States 17th August, 1820. Mr. Meade having returned to the United States, transmitted to Mr. Adams, Secretary of State, three documents showing the final settlement and balance due him by Spain.

6th September, 1820, (p. 125,) Mr. Adams acknowledged the receipt, and offers his congratulations.

Up to this date the Spanish government had not ratified the treaty of 1819, but its ratification was the subject of an animated correspondence between the ministers of the respective countries. The Spanish cortes have been convened in the summer of 1820, and the King of Spain having sworn to support the constitution by which he was prohibited from alienating any of the territory of Spain, that treaty was presented to the cortes for their consideration. While it was under discussion by that body, a committee of the cortes waited on Mr. Forsyth to inquire if, in the event of its ratification, the claim of Mr. Meade, which had then been adjudicated, and the amount of which was well known to the cortes and to Mr. Forsyth, would be paid by the United States, and received from him a distinct assurance that it would, (Ib. 726, 727.) Upon the faith of this assurance the cortes authorized the ratification. In the same paper it will be seen there was an equivalent proposed to Mr. Forsyth and recognized by him. Mr. Forsyth does not deny the accuracy of this statement, except so far as it speaks of him as conferring with them as a committee of the cortes.

The treaty of 1819 was, on the 24th October, 1820, ratified by Spain and sent to the United States. Before it was submitted to the Senate for its final action, Mr. Meade addressed the President of the United States a communication setting forth in detail the main facts hereinbefore stated, and praying that his claim as allowed should either be expressly provided for, or excepted out of the operation of the treaty. This was communicated to the Senate. (Ib., pp. 704, 5, 6, 7, 8, 9.)

With this information before them, and with full knowledge, or full means of knowledge, of the facts hereinbefore stated, the Senate ratified the treaty, by which Mr. Meade's claims on the government of Spain are supposed to have been released.

Congress then passed a law to carry that treaty into effect, under which commissioners were appointed according to the provisions of the 9th article, to investigate the claims of American citizens on the government of Spain. Mr. Meade filed before the commission three several memorials, (the substance of which it is not deemed necessary to state, but which will be exhibited to this honorable court,) and the commissioners acted upon his claim. Their first proceeding was on the 5th March, 1822, to address a letter to Mr. Adams, Secretary of State, to ascertain whether claims for breaches of contract were embraced in the treaty. Next they adjudicated that Mr. Meade had a claim, but inasmuch as its adjustment by Spain was posterior to the date of the treaty, to wit, 22d February, 1819, they rejected as evi-

7 dence the formal adjudication of the Spanish authorities, and required Mr. Meade to produce the original proofs, which had been surrendered by him to Spain under the circumstances hereinbefore stated. So soon as this adjudication was made, Mr. Meade furnished them with a list of the papers required by them, and on the 18th April, 1823, the commissioners addressed to the Secretary of State a requisition for the said papers. This demand was accordingly communicated through Mr. Nelson, the minister of the

United States at Madrid, to the Spanish government. None of the papers were, however, furnished by that government down to 29th May, 1824, on which day the commissioners finally rejected Mr. Meade's claim, "on the alleged ground that the evidence produced was not sufficient to establish the same."

The papers have not been furnished by Spain to this day.

Your petitioner, therefore, further shows—

First. That the said claim having been adjudicated and allowed in part through the instrumentality of the United States, who knew the terms of the treaty, which the said Richard W. Meade did not, and the vouchers therefor having been surrendered to the Spanish government, the fact and manner of the allowance were brought to the knowledge of the United States long before the treaty was ratified.

Second. That the United States, with full knowledge, or means of knowledge, of the facts, made the treaty of 1819, by which they released Spain from obligation thus admitted to Mr. Meade.

Third. The ratification of the said treaty by Spain was obtained on the assurance of the minister of the United States that the said claim, as allowed, would be paid by the United States, they receiving as an equivalent the abrogation of certain grants which had theretofore delayed its ratification.

Fourth. That by the treaty the United States was bound to demand and enforce from Spain the delivery of all such documentary evidence as should be required by any claimant, and they have utterly failed to procure this proof for Mr. Meade.

Your petitioner further shows, that after the rejection of the said claim by the said commissioners, the proceedings were had in the Senate and House of Representatives hereinbefore referred to, and in the intermediate time the treaty of 1834 between Spain and the United States was made, by which all hope or possibility of redress against Spain by your petitioner is rendered utterly vain.

He therefore respectfully submits, from the foregoing statement, that the United States are either liable as guarantors under the treaty of 1819; or,

Second. That they are now primarily liable by reason of the premises, for the full amount of his said claim, with interest from its date, with reasonable damages for the expenses and losses which have been occasioned by the delay of payment.

And, further, that by reason of the premises they are precluded from objecting to the said adjudication by the Spanish authorities as evidence of what it imports, conclusive in its character, or subject to be impeached only for fraud, and he prays judgment accordingly.

JOS. H. BRADLEY,
For Petitioner.

8 And since the filing of this petition the Senate of the United States, by resolution of that body, passed the 11th day of February, 1856, has referred the subject-matter of this petition to this honorable court.

JOS. H. BRADLEY,
For Petitioner.

DISTRICT OF COLUMBIA, *Washington County, to wit:*

Richard W. Meade, whose name is signed to the foregoing petition, appeared before me, the subscriber, a justice of the peace in and for the county aforesaid, on this day of , 1855, and made oath, according to law, that the facts therein stated as of his own knowledge are true; he believes those to be true which are stated on the information of others.

9 In the Court of Claims.

Amended petition.

RICHARD W. MEADE, adm'r D. B. N. of Richard W. Meade,
v.
THE UNITED STATES. } No. 1857.

The said Richard W. Meade makes oath according to law that he is a captain in the navy of the United States, is a citizen thereof, and he and his said father have always borne true allegiance to the government of the United States; and neither of them ever aided, or abetted, or gave encouragement to any enemy of the United States, or to the rebellion against the said government. That no assignment of said claim, or any part thereof, or any interest therein, has been made; that the said claimant is justly entitled as administrator *de bonis non* of said Richard W. Meade, deceased, to the amount claimed in said petition from the United States, and there are no just credits or offsets against the same, and he believes the facts stated in his said petition are true.

R. W. MEADE,
Capt. U. S. N., Administrator.

Subscribed and sworn to before me this 26 day of February, A. D. 1867.

SAM'L H. HUNTINGTON,
Chief Clerk Court of Claims.

[Five-cent stamp.]

10 In the Court of Claims.

RICHARD W. MEADE, adm'r,
vs.
THE UNITED STATES.

And now, to wit, 26th of June, 1867, the court, upon due consideration of the premises, do order, adjudge, and decree that the said claimant take nothing by his suit, and that said petition be dismissed.

By the court.

11 In the Court of Claims.

RICHARD W. MEADE, adm'r,
vs.
THE UNITED STATES.

Aug 12 1867

Mr. Cushing submitted a petition for the allowance of an appeal in this case from the judgment entered therein on the 26th day of June, 1867, to the Supreme Court of the United States, whereupon it was ordered that the said appeal be allowed.

12 RICHARD W. MEAD, adm'r, &c.,
vs.
THE UNITED STATES.

I, Sam'l H. Huntington, chief clerk of the Court of Claims, do hereby certify that the foregoing are true transcripts of the pleadings in the above-entitled cause, and of the final judgment or decree of the court thereon, and of the order of the court allowing an appeal of said case to the Supreme Court of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Washington, this 6th day of April, A. D. 1868.

[SEAL.] SAM'L H. HUNTINGTON,
Chief Clerk Court of Claims.

Attest:

JOS. CASEY, *Ch: J.*

Endorsed: Court of Claims. No. 268. Richard W. Meade, adm'r, &c., of R. W. Meade, dec'd, appellant, *vs.* The United States. Filed 6 April, 1868.

REC. 268—2